



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,494	07/23/2003	Venkat Devarajan	124217.00002 (IMAG-0001)	1995
25555	7590	01/09/2007	EXAMINER	
JACKSON WALKER LLP 901 MAIN STREET SUITE 6000 DALLAS, TX 75202-3797			HAJNIK, DANIEL F	
			ART UNIT	PAPER NUMBER
			2628	
			MAIL DATE	DELIVERY MODE
			01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/626,494

Applicant(s)

DEVARAJAN ET AL.

Examiner

Daniel F. Hajnik

Art Unit

2628

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.


ULKA CHAUHAN

SUPERVISORY PATENT EXAMINER

Continuation of 3. NOTE: The new issues include the amendments to claims 1 and 58 .

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's primary argument is based upon the newly amendment limitations to claims 1 and 58, in regards to the claimed ordering ... using geometry from multiple orthographic views of the built features (see remarks on pages 10, 14 and 15). The examiner maintains that the prior art rejections of record are proper because these limitations were not previously present in the claims. Further applicant argues that the age of the reference of Balachander do not teach the complex CAD models used by applicant (remarks on page 11). The examiner maintains that the prior art rejection is proper because the claim does not specifically mention a complex model format or year associated with the model itself. Applicant further argues that in claims 11-13 Balachander does not teach feature extraction on planes other than the principal axes (bottom of page 12). The examiner maintains that the prior art rejection is proper because these claims are of sufficient scope to allow for and include feature extraction on planes on the principal axes. Further the elevation data related to the principal axes are shown in figures 5.22 and 5.23. Applicant further argues that Balachander does not teach constraints, does not teach model verification capability, does not teach the resolution of feature order, and does not teach storing coordinate information necessary for building features in the 3D model (remarks on page 13). Balachander teaches the claimed constraints towards the bottom of page 18 and in figure 4.1, and the scope of the claim is sufficient for this interpretation of constraint. Further, the actual model verification limitation is not explicitly claimed in claims 20-21, however, Balachander teaches the more broad description of it in the input file on page 79, where the data is based upon a class and a common coordinate system reference point (also see page 9 of final office action). Further, the limitation of resolution of feature order is not explicitly claimed in claims 22 and 24, however, Balachander teaches the more broad description of it by teaching of an order of build features (page 9) and by teaching of an intermediate file for storing output (top of page 63). Further, in regards to claim 26, this claim does not explicitly claim features of storing coordinate information data for building the 3-D model. However, this feature is suggested by the reference on the top of page 56, where the build structure is organized and where figure 5.23 has these features build according to a common coordinate system. Further applicant argues that in regards to claims 61-63, Balachander is different because the orthographic views are based upon model projection to produce 2D images rather than relying upon orthographic views in a 2-D drawing (1st paragraph on page 16 of remarks). Applicant further argues that the claimed automatic splitting, drawing correction, and feature extraction of claim 72 is different that the cited prior art (pages 16 and 17 of remarks). The examiner maintains that the prior art rejections are proper because in claims 61-63, the act of projecting is an obvious variation of views presented in figure 5.19, where are the orthographic 2D views that would result in a projecting process. Further, the middle of page 18 of Balachander specifically mentions using orthographic projections. Balachander teaches the claimed automatic splitting of claim 65 by teaching of the automatic splitting in figure 5.19 and page 47 where the drawing views are split into 3 distinct views are shown in the figure. Further, in regards to claim 71, the claimed step specifically states "receiving the corrected two-dimensional drawing", and thus does not require Balachander to actual perform this correction but only receive the data. Hazama teaches the claimed correcting in figure 13, step S.162. Thus, the combination of references taken together teach the claimed two-dimensional drawing correction and extraction process. Applicant further argues that Balachander does not teach subparts and does not teach profile analysis on each loop match for claim 72 (bottom of page 16 and page 17 of remarks). The examiner maintains that the prior art rejection is proper because Balachander teaches of subparts by teaching of breaking down individual parts of the model i.e. the cone on page 19 and Balachander teaches of sub-tasks for object extraction towards the middle of page 46. Further, Balachander teaches the claimed profile analysis by teaching of classifying circulate features and replacing them with other simplified features i.e. squares (towards middle of page 46 of Balachander). The examiner submits that this prior art rejection and others in the office action are based upon the broadest reasonable interpretation of the claimed limitations in regards to applying prior art.

Continuation of 13. Other: The amendments to claims 65 and 72 would overcome the 112, 2nd paragraph rejection on these claims if filed in an amendment that is entered. Further, the cancelling of claims 29-57, 64, 69, and 70 done in this amendment would comply with the requirements of 37 CFR 1.48(b). However, these cancelled claims can fulfill the requirements only if filed in an amendment that is entered.